

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

-PS/CD-O-

STEPHEN JOSEPH EMILE A0226254440,

Petitioner,

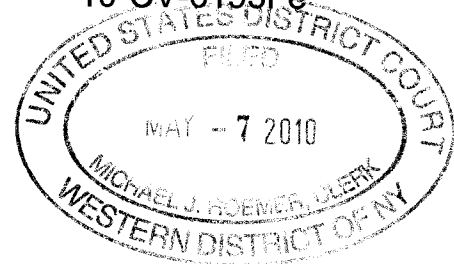
-v-

MARTIN HERRON, et al,

Respondent.

**DECISION AND ORDER**

10-CV-6193Fe



There is insufficient information before the Court at this time to make the necessary assessment of plaintiff's claims under the standards promulgated by *Hendricks v. Coughlin*, 114 F.3d 390, 392 (2d Cir. 1997), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986), as issue has yet to be joined. Therefore plaintiff's motion for appointment of counsel is denied without prejudice at this time.

IT IS SO ORDERED.

HONORABLE RICHARD J. ARCARA  
DISTRICT JUDGE  
UNITED STATES DISTRICT COURT

Dated: May 5, 2010